

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	Case No. 1:07-cv-95
JANET BOOT, BARBARA GRANT,)	
CINDY MOFFETT, REMCEY JEUNENNE)	
PEEPLES, MONIKA STARKE, LATESHA)	
THOMAS, and NICOLE ANN CINQUEMANO,)	
)	
Plaintiffs/Interveners,)	
)	
v.)	
)	
CRST VAN EXPEDITED, INC.,)	
)	
Defendant.)	

**CRST VAN EXPEDITED, INC.’S MOTION FOR ATTORNEYS’
FEES AND COSTS PURSUANT TO 42 U.S.C. § 2000e-5(k)**

Pursuant to 42 U.S.C. § 2000e-5(k) and the Court’s August 13, 2009 Order (Doc. No. 263), CRST Van Expedited, Inc. (“CRST”) respectfully moves this Court for an order awarding CRST reimbursement from Equal Employment Opportunity Commission (“EEOC”) for the attorneys’ fees, expenses, and costs CRST has incurred in almost two years of intensive litigation. In support of its Motion, CRST states:

1. On August 13, 2009, this Court granted CRST’s Order to Show Cause (Doc. No. 233) declaring CRST a “prevailing party” as to EEOC, and eligible for attorneys’ fees pursuant to 42 U.S.C. § 2000e-5(k). (Doc. No. 263) On October 1, 2009, this Court entered final judgment and dismissed the case in favor of CRST. (Doc. No. 279) The Court’s August 13, 2009 Order stated that CRST may file an application for attorneys’ fees from EEOC.

2. Pursuant to 2000e-5(k), this Court has the power to award a prevailing defendant its attorneys' fees and costs in a civil rights action, even if not brought in bad faith, if the plaintiff's claim was frivolous, unreasonable, vexatious or groundless *ab initio*, or if the plaintiff continued to litigate after the claim clearly became so. *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 422 (1978). This is such a case.

3. CRST respectfully submits herewith its Petition in Support of its Motion for Attorneys' Fees and Costs Pursuant to 42 U.S.C. § 2000e-5(k) detailing the arguments supporting the award of attorneys' fees and costs in this case, and the reasonableness of the request.

WHEREFORE, for the reasons set forth herein and in CRST's accompanying Petition in support of this motion and the attachments thereto, which are incorporated herein by reference, CRST respectfully requests that this Court enter an order awarding CRST reimbursement from EEOC for the attorneys' fees, expenses, and costs CRST has incurred in this litigation.

Dated: October 30, 2009

Respectfully submitted,

CRST VAN EXPEDITED, INC.

By: s/John H. Mathias, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2009, I electronically filed the foregoing **CRST Van Expedited, Inc.'s Motion for Fees and Costs Pursuant to 42 U.S.C. § 2000e-5(k)** with the Clerk of the United States District Court, Northern District of Iowa, Cedar Rapids Division, using the ECF system, which will send notification of such filing to:

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